

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE MEDTRONIC, INC.
SPRINT FIDELIS LEADS PRODUCTS
LIABILITY LITIGATION

MDL NO. 08-1905 (RHK/JSM)

This documents relates to:
Alexander v. Boone Hospital Center *et al.*
10-cv-03373

**ORDER GRANTING PLAINTIFFS'
LEAD COUNSEL'S MOTION TO
DISMISS AND TO SEVER, AND
SUGGESTION OF REMAND**

Upon consideration of Plaintiffs' Lead Counsel's Motion to Dismiss (Doc. No. 58) and Plaintiff Donald Alexander's Motion to Sever and Remand Remaining Defendants (Doc. No. 52), and based on all the files, records and proceedings herein, **IT IS ORDERED** that the Motions are **GRANTED**. Pursuant to the Master Settlement Agreement and Federal Rule of Civil Procedure Rule 41(a), the claims of Plaintiff Donald Alexander in the action styled Alexander v. Boone Hospital Center *et al.*, Civ. No. 10-cv-03373, against Medtronic, Inc., William A. Hawkins, Susan Alpert, Kathleen Erickson DiGiorno, Stephen Oesterle, Gary Ellis, and Brian Rysdam are **DISMISSED WITH PREJUDICE**. The Court having expressly determined that there is no just reason for delay for entering judgment as to the dismissed claims, **LET JUDGMENT BE ENTERED ACCORDINGLY** as to those claims.

The Court believes that the remaining claims against non-Medtronic Defendants Boone Hospital Center, Daniel Rothery, Missy Arnold, and Nancy Tune should be remanded by the Judicial Panel on Multidistrict Litigation ("JPML") to the United States

District Court for the Western District of Missouri, the transferor court, for further proceedings, and it hereby **SUGGESTS** the same to the JPML. See JPML R. 10.1(b)(i).

Dated: June 22, 2011

s/ Richard H. Kyle
RICHARD H. KYLE
United States District Judge